

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MOON FENTON, M.D.,

Plaintiff,

v.

THE WEST CLINIC, PLLC, f/k/a THE
WEST CLINIC, PC, d/b/a WEST CANCER
CENTER; WEST LEASECO, LLC; WEST
DESOTO PARTNERS, LLC; WEST
UNION PARTNERS, LLC; WEST WOLF
RIVER PARTNERS, L.P., f/k/a WEST
WOLF RIVER PARTNERS, LLC; WEST
CAPITAL, LLC; WEST CLINIC HOLDCO,
PC; WEST EQUITY, LLC; and WEST
PARTNERS, LLC,

Defendants.

No. 2:21-cv-02790-SHL-tmp

ORDER DISMISSING CERTAIN CAUSES OF ACTION

Before the Court is Plaintiff's Stipulation of Partial Voluntary Dismissal of Certain Defendants and Causes of Action, (ECF No. 79), filed May 11, 2023. In the Stipulation, Plaintiff requests dismissal of the following counts from her Complaint: Count III Negligent Misrepresentation, Count V Promissory Fraud, Count VI Fraudulent Concealment, and Count VII Fraud by Omission.

Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), a plaintiff may dismiss an action by filing "a stipulation of dismissal signed by all parties who have appeared." Here, counsel for Plaintiff and Defendants signed the Stipulation. (ECF No. 79 at PageID 1286.) Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff's claims against Defendants under Counts III, V, VI, and VII are hereby **DISMISSED WITHOUT PREJUDICE**.

Plaintiff's remaining claims shall proceed.

IT IS SO ORDERED, this 15th day of May, 2023.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE